REMARKS

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1 and 3-19 were pending prior to the Office Action. Claims 3 and 18 have been canceled and claims 1, 4-9, and 19 have been amended through this Reply. Therefore, claims 1, 4-17, and 19 are pending. Claims 1, 6, 7, 8, and 19 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1 and 3-19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pub. No. 2002/0077135 to Hyon ("Hyon") in view of U.S. Patent No. 6,546,417 to Baker ("Baker"), and further in view of U.S. Patent No. 6,990,452 to Ostermann et al. ("Ostermann"). Claims 3 and 18 have been canceled through this Reply, rendering the rejection of said claims moot. As applied to the remaining claims as amended, Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and traverse the rejection.

For a 35 U.S.C. § 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

As amended, independent claim 1 recites a display device capable of displaying a text containing a predetermined kind of character, and a registered image inserted in the text simultaneously comprising *inter alia*:

> a first storage portion for storing beforehand a character code for specifying each of said predetermined kind of character, and character shape data corresponding to said character code in a correlated manner;
> a second storage portion for storing an image code for specifying said registered image and registered image data corresponding to said image code in a correlated manner according to registration processing by a user (Emphasis added.)

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Furthermore, amended claim 1 additionally recites:

> a display control portion for causing said display output portion to output corresponding said predetermined kind of character and said registered image both belonging to an identical sentence based on display data containing a series of said character code, text attribute data, and said image code, said text attribute data containing color attribute data indicating at least a fore color of a corresponding predetermined kind of character, wherein
> said display control portion determines whether or not a size of characters constituting the text where the registered image is inserted and a size of the registered image are substantially the same,
> when the size of characters constituting the text where the registered image is inserted and the size of the registered image are not substantially the same, said display control portion makes the size of the characters and the size of the registered image substantially the same by scaling up/down the size of the registered image based on the text attribute data,
> said display control portion converts a color of said registered image according to said color attribute data, and
> said display control portion causes said display output portion to display a text containing characters and the registered image scaled to substantially the same size.(Emphasis added.)

Applicants respectfully submit that the Hyon, Baker, and Ostermann references fail to teach or suggest at least these features of the claimed invention, alone or in combination.

Importantly, the claimed invention addresses not only the problem of controlling the size of user-registered image data to substantially match the size of text in a sentence where the registered image data is inserted, but also enables a display control to alter attributes of the image data within the sentence based on text attribute data of the surrounding text. This may be facilitated, for example, by "*storing an image code for specifying said registered image and registered image data corresponding to said image code in a correlated manner according to registration processing by a user*". The references cited by the Examiner do not address this functionality, especially in the context of a display control portion causing display output of a "*predetermined kind of character and said registered image both belonging to an identical sentence based on display data containing a series of said character code, text attribute data, and said image code*" as claimed.

For example, Hyon discloses storing groups of emoticons in storage to facilitate selection of emoticons by the user (see Hyon, abstract; paragraph [0023]). However, as the Examiner

concedes on page 5 of the Office Action, Hyon fails to disclose adjusting the size of the emoticons to substantially match the size of the surrounding text. The Examiner relies on Baker to allegedly cure this deficiency. Baker discloses icons provided for filenames displayed within a window of an operating system (see Baker, Figure 2a), and teaches that the sizes of the icons may be scaled to match the point size of the font used within the window (see id., col. 8, lines 28-40). However, these icons are also part of the display of the operating system and are not images *corresponding to image codes in a correlated manner according to registration processing by a user*, nor are these icons intended to be inserted into a textual sentence in the manner described by the claimed invention.

Moreover, neither Hyon nor Baker teaches or suggests *"text attribute data containing color attribute data indicating at least a fore color of a corresponding predetermined kind of character"* or that *"said display control portion converts a color of said registered image according to said color attribute data."* The Examiner has previously relied on col. 11, lines 34-51 of the Ostermann reference to allegedly cure these deficiencies. Ostermann describes "providing to the sender an option to associate at least one typed word to a chosen emoticon," and that this assignment can be performed by

> "assign[ing] a color to the at least one typed word such that the chosen emoticon
> begins to be presented by the animated entity to the recipient at the first typed word with
> the assigned color and the chosen emoticon presentation by the animated entity ends at
> the last typed word with the assigned color" (emphasis added).

In other words, Ostermann merely recites that text having a particular color is assigned to an emoticon. The reference is silent regarding converting a color of a registered image according to color attribute data in the text attribute data of the text in the sentence with the registered image. Ostermann's description in col. 9, lines 51-62 of changing the background of an emoticon is clearly directed only to expressing the intensity of the emoticon and fails to consider converting any color of the emoticon according to color attribute data in text attribute data.

Furthermore, Applicant respectfully submits that none of Hyon, Baker, or Ostermann teaches or suggests a display control portion that *"determines whether or not a size of characters constituting the text where the registered image is inserted and a size of the registered image are*

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substantially the same." Hyon and Ostermann fail to disclose this determination in any respect. Baker fails to disclose inserting a registered image into a sentence with text, and merely describes scaling an operating system icon to the font size of text used within the window.

Based on the foregoing, the combination of Hyon, Baker, and Ostermann fails to teach or suggest each and every limitation of claim 1. Therefore, independent claim 1 is distinguishable from the applied prior art. Independent claims 6, 7, 8, and 19 are likewise distinguishable at least based on the rationale supplied above with respect to claim 1. Dependent claims 4-5 and 9-17 are also distinguishable from the prior art at least due to their dependence from claims 1, 6, 7, and 8, directly or indirectly.

Therefore, Applicants submit that claims 1, 4-17, and 19 are patentable over Hyon, Baker, and Ostermann and respectfully request that the rejection of said claims under §103(a) be withdrawn.

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CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders (Reg. No. 60,166) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: April 5, 2010   Respectfully submitted,
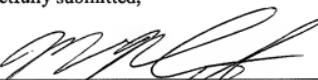
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